

citing Koether, col. 5, lines 50-59 and col. 7, lines 46-62. The Examiner further cites Koether, col. 8, lines 14-30, as disclosing a server that receives item information selected from the menu.

Amended claim 1 recites “sending . . . a menu of provider responses through said network, said menu being structured to have a content which varies in accordance with said identifier information . . . said server receiving . . . item information selected from said menu.” Independent claims 10-12 similarly recite this feature. Applicants note that none of the passages in Koether relied on by the Examiner disclose the menu and the associated menu features recited in claims 1 and 10-12. In contrast, the passages cited by the Examiner merely disclose a control center 170 that “includes a repair and accounting database 190 that permits the exchange of information relating to repair, accounting and billing.” (Koether, col. 5, lines 50-53.)

Furthermore, Applicants note that Koether only discloses a “menu” in the context of a cooking profile for a kitchen base station 150. See, Koether, col. 5, lines 8-11. Koether discloses that the “menu” can be used to schedule a priority for the respective kitchen appliance 110, such as “fryers [having] a lower priority in the breakfast menu time than a lunchtime when they are heavily used.” (Koether, col. 13, lines 60-62.) Thus, as demonstrated above, Koether neither discloses nor suggests the “menu” and associated features with the “menu” as recited in claims 1 and 10-12.

In addition, amended claim 1 recites “activating an access button to issue a send instruction for transmitting identifier information [to the server].” Independent claims 10-12 similarly recite this feature. In contrast, Wood discloses that the input device 66, are “data input buttons such as an alphanumeric keyboard or yes/no buttons.” See, Wood, col. 10, line 65 through col. 11, line 2. Wood further discloses that the input device 66 is used to answer (*i.e.*, “yes” or “no”) a question asked by the interactive communications appliance 16. See, Wood, col. 11, lines 10-23.

Accordingly, Applicants submit that Wood neither discloses, nor suggest, that the input device 66 transmits information about the appliance 16 itself, as required in claims 1 and 10-12. As discussed above, Wood's input device 66 merely transmits a user's response to a question asked by the appliance 16. Thus, Wood's input device 66 is not "an access button" that can be activated to issue a send instruction for transmitting identifier information, as claimed in independent claims 1 and 10-12. Additionally, these claimed features are missing from Koether, as acknowledged by the Examiner.

As demonstrated above, Applicants submit that neither Koether nor Wood, either individually or in combination, disclose or suggest each and every feature recited in independent claims 1 and 10-12. Therefore, the combination of Koether and Wood neither discloses, nor suggests, each and every element recited in independent claims 1 and 10-12. Thus, Applicants submit that claims 1 and 10-12 are patentable over the combination of Koether and Wood. Applicants submit that the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness over claims 1 and 10-12.

Claims 3-9 depend from claim 1. Claims 13-16 and 21 depend from claim 11. Claims 17-20 depend from claim 12. Applicants submit that claims 3-9, 13-16, and 17-21 are patentable for at least the same reasons as discussed above with respect to their respective base claim. Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

Each and every point raised in the Office Action dated April 10, 2006 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1, 3-12, and 14-21 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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